

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
May 13, 2003

Mayor Griffith called the meeting to order at 6:30 p.m.

Council Present: Mayor Griffith; Councilors Dirksen, Moore, Sherwood, and Wilson

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:30 p.m. to discuss current or potential litigation under ORS 192.660 (1h).

Executive Session concluded at 6:59 p.m.

- STUDY SESSION
 - Insurance Coverage for Council

Risk Manager Loreen reviewed types of policies, the carrier, and coverage for City Council, including liability, bonding and workers compensation. City Attorney Ramis reviewed the layers of protection:

- 1) City will indemnify Council members to the extent that Council members were performing their duties.
- 2) A tort claim must be brought against the City, not an individual.
- 3) Council members have statutory immunity for policy decisions (virtually anything on a Council agenda where discretion must be exercised). Make sure decisions are made as a "council" not as an individual.
- 4) City provides insurance coverage protection.

To keep protection:

- 1) Act as a body
- 2) Exercise good faith in decision making
- 3) Don't engage in self-dealing (personal gain)

Attorney Ramis briefly reviewed ethics violations.

Special areas to be aware of:

- 1) No insurance coverage for "takings" cases
- 2) A council member can be personally liable for unauthorized expenditures (using city funds to promote advocacy on ballot measures, personal expenses, or not following budget laws)

- Administrative Items

- Mayor was “shadowed” during the Council meeting by High School Student Katherine Parr-Philipson.

Katherine Parr-Philipson was introduced to the City Council.

- Paul Brems Resolution – Council agreed to consider a proposed resolution acknowledging the efforts of Paul Brems during his tenure as the Tigard High School Student Envoy to the City of Tigard. A draft resolution was distributed to Council members who considered the resolution during the Business Meeting before the Visitor’s Agenda.
- Consider whether to place a resolution for Council to consider opposing formation of an electric people’s utility district (PUD) in Multnomah County (Proposed Resolution distributed to Council).

Council agreed to consider the resolution as a non-agenda item during the business meeting.

- City Recorder Review – On May 20, 2003, Council members will return questionnaires about the City Recorder’s performance review to the City Manager.

Council will return questionnaires by May 20.

- Consent Agenda

Councilor Wilson noted questions about how franchise agreements are structured. After brief discussion, City Manager suggested that franchise agreements be placed on a future agenda for Council review.

- Transportation Financing Strategies Task Force – Membership

Council will consider new members for continuing work that needs to be accomplished.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board meeting to order at 7:30 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Sherwood and Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None

- 1.5 Call to Council and Staff for Non-Agenda Items: Discuss and consider the Council's opinion about the formation of an electric people's utility district (PUD) in Multnomah County. (See Agenda Item No. 8)

2. PROCLAMATION

- 2.1 Mayor Griffith proclaimed the Week of May 18 to 24, 2003, as Emergency Medical Services Week.

Shane Ryan, Communications Director, and Sue Higgins, First Responder, from Metro West Ambulance noted they appreciated the City's support. A plaque was presented to the Mayor.

➤ CONSIDER A RESOLUTION ACKNOWLEDGING AND COMMENDING PAUL BREMS FOR HIS EFFORTS AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

- Motion by Councilor Sherwood, seconded by Councilor Dirksen to approve Resolution No. 0-3-14.
- RESOLUTION NO. 03-14 - RESOLUTION ACKNOWLEDGING AND COMMENDING PAUL BREMS FOR HIS EFFORTS AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD
- The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

3. VISITOR'S AGENDA

- Tigard High School Student Envoy Paul Brems

Paul Brems introduced Angela Jensen, who is the Student Envoy to the City for the upcoming school year. Mr. Brems issued a report on student activities to the Council.

- Tigard Area Chamber of Commerce President-Elect Dan Murphy

Dan Murphy reported the Shining Stars Banquet was a great success. He noted upcoming Chamber of Commerce events.

4. **CONSENT AGENDA:** Motion by Councilor Dirksen, seconded by Councilor Wilson, to approve the Consent Agenda as follows:
 - 4.1 Approve Council Minutes for March 18 and 25, and April 8 and 15, 2003
 - 4.2 Receive and File:
 - a. Annual Solid Waste Financial Report Findings
 - b. 2003 State Domestic Preparedness Equipment Grant
 - 4.3 Approve Submittal of a Transportation and Growth Management Grant Application for Preparing a Downtown Redevelopment Plan – Resolution No. 03 - 15
 - 4.4 Local Contract Review Board:
 - a. Award Contract for the Construction of Embedded Crosswalk Lighting System on Bonita Road to North Star Electrical Contractors
 - b. Award Contract for Engineering Services for the Design and Construction of the New 550 Foot Reservoir #2 (Rider School Reservoir) to Murray, Smith and Associates, Inc.

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

5. **UPDATE ON NEW LIBRARY**

Library Director Barnes updated Council. The design is complete. Construction is scheduled to begin in June. The project remains on schedule and within budget. Final designs and floor plans were presented to the Council. The groundbreaking ceremony is scheduled for Saturday, May 17, 10 a.m. on the new library site.

6. INTRODUCTION TO THE COMMUNITY ASSESSMENT PROGRAM (CAP)

Assistant to the City Manager Newton presented the staff report. A new program called the Community Assessment Program (CAP) was initiated on a trial basis in January. The program is aimed at validating that city employees and elected officials have a complete understanding of the existing conditions within the city on a neighborhood-by-neighborhood basis, and at ensuring that issues are addressed promptly, efficiently and in an equitable manner.

The city was divided into 45 areas that generally correspond to the police department patrol grids. A schedule was developed so that each Wednesday afternoon, a team of employees covers a different area of the city.

The next step in the process will be a community report, which will be issued within 30 days of the walk, ideally to a community connector, posted on the web, and summarized in the Cityscape. Staff also proposed to publicize the CAP schedule and set up an email account for citizens to submit comments, suggestions, or questions.

Council indicated their support of this program. Councilor Moore said that it's a "terrific idea." Council would like to be kept informed of the walk schedule.

7. DISCUSSION OF THE STREET MAINTENANCE FEE

City Engineer Duenas presented the staff report and background information. He reviewed the answers to Council questions, which were provided in a report and submitted to the Council in their meeting packet materials. Discussion followed on the allocation of the fee between residential and commercial. Staff proposes a fee based on trip generation, which is a 78/28% split for commercial/residential allocations. Mr. Duenas referred to the 15-year program for street maintenances, which was based on the Pavement Management System document. This 15-year program will be redistributed to the Council.

City Attorney Ramis reviewed the difference between a "tax" and a "fee." A fee is a carefully tailored charge that relates to the service received. Council members reiterated that if a fee is adopted, then it should be reviewed regularly along with other city fees.

City Manager noted that the proposed street maintenance also will take care of right-of-way maintenance, including sidewalks, on collector and arterials. Other cities' street maintenance fees do not include this right-of-way maintenance provision. There was discussion on this aspect of the proposed Tigard street maintenance fee on whether it is fair to other citizens to provide this maintenance for arterials and collectors. Council Dirksen noted the distinction whereby residents along arterials and

collectors have double frontage. They are required to maintain their sidewalks and right-of-way landscaping in front of their homes; however, often sidewalks and landscaping along an arterial or collector street is located behind the homes and is not easily accessed.

Council will continue its deliberation on this matter on May 27. City Manager Monahan asked Council to submit to staff, as soon as possible, any additional questions they might have.

8. **CONSIDER A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 CAPITAL IMPROVEMENT PROGRAM BUDGET**

City Engineer Duenas presented the staff report. The proposed amendments to the capital improvement program (CIP) were to add the Bonita Road reconstruction project, delete the North Dakota Street project, and separate the Hall Boulevard/Wall Street intersection project from the Wall Street Local Improvement District. No changes in the overall CIP budget will occur as a result of the above amendments.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 03-16.

RESOLUTION NO. 03-16 – A RESOLUTION TO AMEND THE FY 2002-03 CIP (CAPITAL IMPROVEMENT PROGRAM) BUDGET

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

9. **COUNCIL LIAISON REPORTS: None**

10. **NON AGENDA ITEMS**

Council discussed the formation of an electric people's utility district (PUD) in Multnomah County. This matter had also been discussed on April 15 by the Council. The Mayor advised he would like to see the City take a stance in opposition to the formation of a PUD, since it appeared that a PUD would be of no benefit to the City of Tigard. Councilor Wilson commented that the Tigard community has been well served by PGE. Mayor Griffith read the proposed resolution in its entirety.

Motion by Councilor Dirksen, seconded by Councilor Sherwood, to adopt Resolution No. 03-17.

RESOLUTION NO. 03-17 – A RESOLUTION OPPOSING FORMATION OF AN ELECTRIC PEOPLE’S UTILITY DISTRICT (PUD) IN MULTNOMAH COUNTY

The motion was approved by a majority vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Abstained
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

- Council reconvened into Study Session to continue to review the following administrative items:

- Board and Committee Interviews – Review and discuss schedule (Information was distributed to Council)

Council discussed the boards/committees that need to have members appointed or reappointed. Interview schedules will be developed to address the following board and committee vacancies:

- Library Board – first week in June
- Park & Recreation advisory board – late June or early July
- Budget Committee – no urgency since bulk of activity will not occur until next year

- City Council/Washington County Joint Meeting

No meeting date has been set; it is likely it will be August 19.

- Library Groundbreaking – May 17, 10 a.m.

Council was reminded about the groundbreaking ceremony

- Police Community Meeting: May 15, 6:30 p.m.

Councilor Moore will attend this meeting.

➤ Tour of City facilities

Councilors Sherwood, Wilson and Dirksen expressed interest in a police ride-along. Police Department Staff will contact these Council members.

➤ Council Contact Information

Council received a listing of telephone numbers for Council members. They will review and advise Administration Staff of any changes.

➤ Management Cost of Living Allowance

City Manager noted the budget will propose a 2.5% management cost of living allowance for next fiscal year.

➤ City Manager Review

Within the next two weeks Council will fill out rating forms, which will be compiled for the City Manager to review. Council will meet to discuss goals for the City Manager. It was suggested that the goal-setting discussion take place after the business meeting on May 27 or June 10.

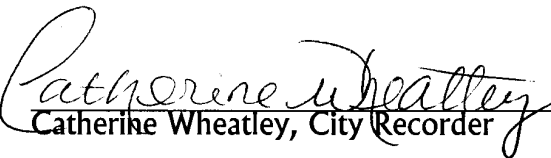
➤ Other items


- A person sleeping on the railroad tracks in the City of Tigard was hit and killed by a train last Sunday.
- The Mayor will attend the trail dedication on May 30, 10:45, Fowler Middle School.

11. EXECUTIVE SESSION: Not held

12. ADJOURNMENT: 9:36 p.m.

Attest:


Catherine Wheatley, City Recorder


Mayor, City of Tigard
Date: 6.10.03

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